GOVERNEMNT OF ANDHRA PRADESH
ABSTRACT

Home (Paroles & HRC) Department – Premature Release – Life Convict Prisoner No.4461, Konduru Rama Chandra Reddy, aged 73 years, S/o Krishna Reddy, Prisoners' Agricultural Colony, Ananthapuramu - Orders of Hon'ble High Court of Andhra Pradesh, dated.17-07-2023 in Writ Petition No. 28039 of 2022– Implemented – Special Remission – Granted - Orders – Issued.

HOME (PAROLES & HRC) DEPARTMENT

G.O.MS.No. 115 Dated: 10-09-2024

Read the following:-

1. G.O.Ms.No.91, Home (Paroles & HRC), dt.16.08.2021.
2. G.O.Ms No. 121, Home(Paroles & HRC) Dept., dt.14.08.2022.
3. Orders of the Hon'ble High Court, dt.17.07.2023 in WP No. 28039 of 2022 filed by Sri Konduru Sunil Kumar Reddy, Son of Convict Prisoner No.4461, Konduru Rama Chandra Reddy.
4. From the Deputy Registrar, APHC, Amaravathi, Show cause notice before admission, CC No. 474 of 2024, dt.06.02.2024 in WP No.28039 of 2022, orders dt.17.07.2023.
5. From the DG Prisons and Corre. Services, AP, Mangalagiri, Letter No.RC-2/74/2021, dated.08.08.2024.

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Life Convict Prisoner No.4461, Konduru Rama Chandra Reddy, aged 73 years, S/o Krishna Reddy, Prisoners' Agricultural Colony, Ananthapuramu was convicted by the Hon'ble High Court of AP, Hyderabad, dt.23.03.2011 in Cr. Ap.No.954/2007 & Cr. Revision Case No.256/2007, u/s 147,148 IPC & undergo sentenced to imprisonment for (01) Year and he is also convicted U/s 302 r/w 149 IPC and sentenced to life imprisonment.

2. The Government of AP have issued guidelines for grant of special Remission to the life convicted prisoners in G.O.Ms.No.91, Home (Paroles & HRC), dt.16.08.2021., on the occasion of Independence Day,2021. In the said GO, the following eligibility criteria was stipulated for Old Age Life Convicted Prisoners for grant of Special Remission:

> *Para(7) (d): Cases of the convicted prisoners sentenced to imprisonment for life including those governed by Section 433-A of the Code of Criminal Procedure, 1973 (Central Act No. 2 of 1974) aged more than 65 years and have undergone an actual sentence of five (5) years including remand period and total sentence of seven (7) years including remission as on date i.e.,15.08.2021 shall be considered for release.*

In those guidelines, inter alia, the following barring clause was stipulated for not considering for grant of Special Remission:

"The prisoners who are released on Parole/Furlough and who commit/attempt any of offences punishable under any Law for the time being in force"

3. As on 15-08-2021, he has undergone sentence of 07 Years 04 Months 08 Days. As such, he is eligible as per portion of underwent sentence i.e.07 years as per aforesaid GO, but a case was registered against him in Chittamuru Police Station, SPSR Nellore District vide Cr.No.41/2021 dated:01-04-2021 of u/s 323, 506r/w 34 IPC, 3(1)(r) SC ST POA Act, while he was on Parole. Therefore, the then Standing Committee did not recommend his case for Special Remission in terms of aforesaid barring clause.

4. Aggrieved with the above, Sri Konduru Sunil Kumar Reddy, son of the life Convict Prisoner No.4461, Konduru Rama Chandra Reddy, filed WP No. 28039 of 2022 before Hon'ble High Court of Andhra Pradesh praying for grant of special remission Life Convict Prisoner No.4461, Konduru Rama Chandra Reddy, aged 73 years, S/o Krishna Reddy, Prisoners' Agricultural Colony, Ananthapuramu in terms of guidelines prescribed in G.O.Ms.No.91, Home (Paroles) Dept., dt:16-08-2021.

5. The Hon'ble High Court of AP in its orders dated 17.07.2023 in WP No. 28039 of 2022,, directed to consider the case of the father of petitioner for granting special remission to Life Convict Prisoner No. 4461, Konduru Rama Chandra Reddy. The operating part of the orders of the Hon'ble High Court of AP are extracted hereunder:

"... It is pertinent to mention here that on 08.04.2022, the learned Special Judge for trail of Offences under the SCs and the STs (PoA) Act, 1989-cum-V Additional District Judge, Nellore issued proceedings stating that pursuant to the final report filed by the police in Crime No.41 of 2021 of Chittamuru Police Station, the court issued notices to the complainant, but he did not turn up to the court, and it seems the complainant has no interest to proceed with the case, and hence, the said court was constrained to close the proceedings..

For the aforesaid reasons, on an application made by the petitioner herein afresh, the special committee is directed to consider the case of the father of the petitioner for grant of special remission under G.O.Ms. No.91, Home (Paroles & HRC Dept, dated 16-08-2021 within a period of four weeks from the date of receipt of the said representation and pass appropriate orders and communicate the same to the petitioner."

Further, Contempt Case No.474 of 2024 is filed in the WP for implementation of the Hon'ble High Court orders.

6. Accordingly, the Standing Committee met on 08.08.2024 and after detailed examination of the case of life Convict Prisoner No.4461, Konduru Rama Chandra Reddy, aged 73 years, S/o Krishna Reddy, Prisoners' Agricultural Colony, Ananthapuramu recommended for the grant of Special Remission and premature release of the said life convict prisoner.

7. The Government after careful examination of the matter, hereby grant Special Remission under Article 161 of the Constitution of India r/w Section 473 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (Corresponding Section of 432

in CrPC,1973) to life Convict Prisoner No.4461, Konduru Rama Chandra Reddy, aged 73 years, S/o Krishna Reddy, Prisoners' Agricultural Colony, Ananthapuramu for his premature release in terms of the guidelines issued in G.O.Ms.No.91, Home (Paroles & HRC) Department, dated 16.08.2021, to comply with the Orders of High Court of Andhra Pradesh, dated 17-07-2023 in W.P.No. 28039 of 2022, subject to the following three conditions:

a. All Premature releases under this G.O. shall be subject to execution of a Personal Bond of Rs. 50,000/- (Rupees Fifty thousand only).
b. The prisoner after release shall appear before the Probation Officer and Police Station concerned once in (3) months till the completion of unexpired portion of sentence.
c. Re-arrest of the released prisoner, on cancellation of the remission granted under this G.O. in case he commits any criminal offence.

8. The Director General of Prisons & Correctional Services, AP, shall take necessary action for release of the said prisoner, duly obtaining the personal bond as prescribed in the Annexure appended to this order.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

KUMAR VISHWAJEET
PRINCIPAL SECRETARY TO GOVERNMENT

To
The Director General of Prisons & Correctional Services, AP, Mangalagiri.
The Superintendent of Jails, Prisoners' Agricultural Colony, Ananthapuramu.
The Petitioner, Sri Konduru Sunil Kumar Reddy (through the Superintendent of Jails, Prisoners' Agricultural Colony, Ananthapuramu).

Copy To:
The GAD(Cabinet) Dept., AP Secretariat.
(with reference to UO Note No.161/2024, GAD(Cabinet) Dept., dt.28.08.2024)
The GP for Home Dept., High Court of AP.
(with a request to place a copy of this order before the Hon'ble High Court in CC No.474 of 2024).
The PS to Hon'ble Governor of AP,
The PS to Principal Secretary to Hon'ble C.M.
The PS to Chief Secretary to Government.
The OSD to Minister for Home & DM,
The PS to Principal Secretary to Home Department.
SF/SC.

// FORWARDED :: BY ORDER //

SECTION OFFICER